



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 01 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Michael Agin
Owner/President
Agmet LLC
7800 Medusa Street
Oakwood Village, Ohio 44146

Dear Mr. Agin:

I have enclosed an executed copy of an Administrative Consent Order between Agmet LLC and the U.S. Environmental Protection Agency. This Order resolves the September 15, 2014, Notice of Violation that was issued to Agmet. If you have any questions on this matter, please do not hesitate to contact Mr. Charles Hall, of my staff, by telephone (312) 353-3443 or by e-mail at hall.charles@epa.gov, or, with legal questions, Mr. Richard Murawski, of the Office of Regional Counsel, at (312) 886-6721 or by e-mail at murawski.richard@epa.gov. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens, Chief
Minnesota/Ohio Air Enforcement and Compliance Assurance Section

Enclosures

cc: Robert Hodanbosi, Ohio Environmental Protection Agency
George Baker, Cleveland Division of Air Pollution Control

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:) EPA-5-15-113(a)-OH-01
)
Agmet LLC) Proceeding Under Sections 113(a)(1) and 114(a)(1)
Oakwood Village, Ohio) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and
_____) 7414(a)(1)

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Agmet under Sections 113(a)(1) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(1) and 7414(a)(1).

Statutory and Regulatory Background

2. Each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards under Section 110 of the CAA, 42 U.S.C. § 7410.

3. On January 22, 2003, EPA approved revisions to Ohio Administrative Code (OAC) 3745-31-05 as part of the federally enforceable Ohio State Implementation Plan (SIP). 68 Fed. Reg. 2909.

4. The SIP at OAC 3745-31-05(A)(3) requires the director of the Ohio Environmental Protection Agency (Ohio EPA) to issue a permit to install [and operate] (PTIO) if he/she determines that the installation or modification and operation of the air contaminant source will employ the best available technology.

5. Under Section 113(a)(1) of the CAA, 42 U.S.C. § 7413 (a)(1), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating a

permit or requirement under an approved SIP. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

6. Under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), the Administrator of EPA may, among other things, require any person who owns or operates an emission source to make reports, sample emissions, and provide information required by the Administrator. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

7. Agmet owns and operates Ohio EPA Source Number 1318407499 P001 (hereinafter, P001 or the rotary calciner) at 7800 Medusa Street, Oakwood Village, Ohio. P001 is a 6-ton per hour, 30-million British thermal unit per hour, natural gas-fired, rotary, co-current, calciner with an afterburner, quench tower and an 18,000-actual cubic foot per minute baghouse. Raw material is moved from storage to the rotary calciner via two conveyances, or feeds. A long feed moves raw material from a storage building to the short feed. The short feed moves the raw material into the rotary calciner. As the material moves closer to the rotary calciner through the short feed it is incidentally warmed by the burner in the rotary calciner. The short feed has two openings to the atmosphere. Each opening is approximately 33 inches by 26.5 inches.

8. On November 6, 2013, EPA received a complaint from a private citizen regarding odors emanating from Agmet's facility.

9. On December 16, 2013, an EPA inspector observed that the two openings in the short feed allow emissions from the short feed attached to P001 to escape to the atmosphere without being controlled by the afterburner, quench tower, and baghouse.

10. Emissions from P001 are subject to the best available technology requirements in the Ohio SIP at OAC 3745-31-05(A)(3).

11. On March 7, 2012, the Ohio EPA issued a PTIO to Agmet.
12. Section C.1c)(2) of the PTIO states: "The emissions generated by this emissions unit, the rotary calciner, shall be controlled by an afterburner, a quench tower and [an] 18,000 [actual cubic foot per minute] baghouse in series."
13. On or about September 2, 2014, EPA issued a Notice of Violation alleging that Agmet violated Section C.1c)(2) of the its PTIO because the two openings in the short feed allow emissions to escape to the atmosphere without being controlled by the afterburner, quench tower and bag house.
14. The parties agree that nothing in this Order shall be deemed an admission of fact or issue of law by Agmet.

Compliance Program

15. By no later than 135 days after the effective date of this Order, Agmet must achieve, demonstrate and maintain compliance with Section C.1c)(2) of its PTIO at its Oakwood Village, Ohio, facility.
16. On June 5, 2014, Agmet proposed to install a hatch cover over each of two openings in the short feed to the rotary calciner as set forth in Appendix A.
17. As of July 1, 2014, Agmet completed the installation of hatch covers on the short feed of its rotary calciner.
18. Within 15 days of the effective date of this Order, Agmet shall submit a notice of completion to EPA. The Notice of Completion shall:
 - a. Certify to EPA that the hatch covers were installed at the short feed of Agmet's rotary calciner in accordance with the design set forth in Appendix A and are operating to direct emissions to Agmet's air pollution control system; and

b. Describe any issues or problems identified in performance of the hatch covers.

19. Within 90 days of the effective date of this Order, Agmet shall conduct a particulate matter (PM) performance test at the baghouse outlet from its rotary calciner in accordance with EPA Methods 1 through 5, 40 C.F.R. Part 60, Appendix A, and, for opacity determination, EPA Method 9, 40 C.F.R. Part 60, Appendix A. Agmet may propose alternative test methods. The PM performance test shall consist of three runs. The minimum sampling time for each run shall be 60 minutes.

20. Within 90 days after the effective date of this Order, Agmet shall conduct a volatile organic compound (VOC) performance test at the baghouse outlet from its rotary calciner in accordance with EPA Methods 1 through 4 and 25A, 40 C.F.R. Part 60, Appendix A. Agmet may propose alternative test methods. The VOC performance test shall consist of three runs. The minimum sampling time for each run shall be 60 minutes.

21. Agmet shall report the results of any other performance test runs, conducted or attempted, before or after the performance tests to be submitted.

22. During the performance tests, Agmet shall operate the rotary calciner at its maximum design capacity while calcining the sludge with the highest concentration of VOC and PM that it processes in its normal course of business. Agmet shall document in the performance test report described in paragraph 24 below the basis for selecting the sludge processed during the performance tests.

23. Until the PM and VOC performance tests are performed, Agmet shall operate and maintain the rotary calciner under normal operating conditions, and shall not conduct any cleaning or rehabilitation (other than normal maintenance).

24. No later than 45 days after completion of the performance tests, Agmet shall submit a bound report with the results of the PM and VOC performance tests to the EPA and the Cleveland Division of Air Quality. Agmet shall include the following information in the test report:

- a. Results of each performance test;
- b. The raw data sheets and all filter and beaker weights;
- c. Discussion of any test errors;
- d. Discussion of any deviation from the Reference Methods;
- e. Description of the process and control equipment in operation;
- f. Operating parameters of the rotary calciner, afterburner, quench tower, and baghouse, at the time of the test;
- g. The sludge feed rate, the sludge supplier and the production rate during each test run;
- h. Facility operating parameters that demonstrate that the facility was being operated at maximum production rates;
- i. Sampling port location(s) and dimensions of cross-section;
- j. Brief description of sampling procedures, including equipment and diagram;
- k. Description of sampling procedures (planned and accidental) that deviated from any standard method;
- l. Brief description of analytical procedures, including calibration;
- m. Description of analytical procedures (planned or accidental) that deviated from any standard method;
- n. Quality control/quality assurance procedures, tests and results;
- o. Complete results with example calculations;
- p. Laboratory report, with signed chain-of-custody forms;
- q. Calibration procedures and results;
- r. Test log; and
- s. Project participants and titles.

25. By no later than 60 days after the effective date of this Order, Agmet must apply for a modification of its PTIO for submittal of a Calciner Operations and Maintenance Plan to Cleveland Division of Air Quality that specifies the protocol for operating the hatch covers to maximize reduction of emissions while allowing efficient operation of the short feed.

26. Agmet must send a copy of the application to modify the PTIO and all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

27. This Order does not affect Agmet's responsibility to comply with other federal, state and local laws.
28. This Order does not restrict EPA's authority to enforce the Ohio SIP or any other provision of the CAA.
29. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for any violation of the Ohio SIP after the effective date of this Order.
30. Failure to comply with this Order may subject Agmet to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.
31. The terms of this Order are binding on Agmet, its assignees and successors. Agmet must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.
32. EPA may use any information submitted under this Order in an administrative, civil judicial or criminal action.
33. Agmet may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Agmet fails to assert a business confidentiality claim, EPA may make all

submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

34. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive or other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

35. Notwithstanding Agmet's denial of liability and that it makes no admission of fact or issue of law as stated in Section 13 of this Order, Agmet waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Agmet may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1), or the Administrative Procedure Act.


36. Force majeure, for purposes of this Order, is defined as any event arising from causes not foreseen and beyond the control of Agmet or any person or entity controlled by Agmet, including but not limited to Agmet's contractors, that delays or prevents the timely performance of any obligation under this Order despite Agmet's best efforts to fulfill such obligation. The requirement that Agmet exercise "best efforts to fulfill such obligation" shall include, but not be limited to, best efforts to anticipate any potential force majeure event and address it before, during, and after its occurrence, such that any delay or prevention of

performance is minimized to the greatest extent possible. Force majeure does not include increased costs of the obligations to be performed under this Order or financial inability to complete such obligations. If Agmet wishes to claim a force majeure event, then within 5 days of the event, Agmet shall provide to EPA in writing detailed information regarding the basis for the force majeure event. If EPA determines that the delay or anticipated delay is attributable to a force majeure event, the time for performance of such obligation under this Order that is affected by the force majeure event shall be extended by EPA for such time as EPA determines is necessary to perform such obligation.

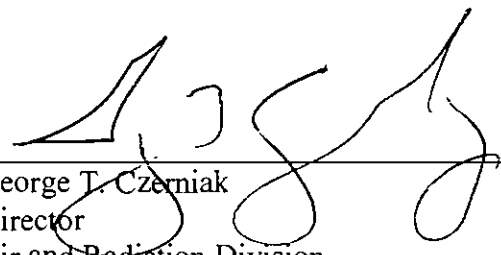
37. Agmet agrees to the terms of this Order.

38. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that Agmet has complied with all terms of the Order throughout its duration.

12/3/14
Date


Michael Agin
Owner/President
Agmet LLC

12/12/14
Date


George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent an Administrative Consent Order, EPA Order Number EPA-5-15-113(a)-OH-01, by Certified Mail, Return Receipt Requested, to:

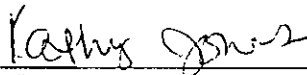
Michael Agin
Owner/President
Agmet LLC
7800 Medusa Street
Oakwood Village, Ohio 44146

I also certify that I sent a copy of an Administrative Consent Order, EPA Order Number EPA-5-15-113(a)-OH-01, by First Class Mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
50 West Town Street, Suite 700
Columbus, Ohio 43215

George Baker, Commissioner
Department of Public Health
Division of Air Quality
75 Erieview Plaza, 2nd Floor
Cleveland, OH 44114

on the 12 day of December 2014.



for Loretta Shaffer
Program Technician
AECAB, PAS

Certified Mail Receipt Number: 7011 1150 0000 2640 5830